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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,762	02/27/2004	William Robert Haas	200300341-1	9282

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EXAMINER	
HENN, TIMOTHY J	

ART UNIT	PAPER NUMBER
2622	

NOTIFICATION DATE	DELIVERY MODE
10/20/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/788,762	HAAS ET AL.	
	Examiner	Art Unit	
	Timothy J. Henn	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 5-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 5-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see response, filed 02 July 2008, with respect to the claims have been fully considered and are persuasive. The 35 USC 103 rejections of the claims has been withdrawn.

2. With respect to the 35 USC 101 rejections, it is noted that the specification defines a "processor readable medium" as including a "propagation" or "signal". Since signals do not appear to fall within any statutory category, the 35 USC 101 rejection is maintained below.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-3 and 5-12 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

[claims 1-3 and 5-12]

5. Claims 1-3 and 5-12 claim a processor readable medium, however paragraph 0048 defines that a computer readable medium "can be any means that can store, communicate, propagate, or transport instructions" and may be a "electromagnetic, infrared" system or "propagation medium". This definition appears to include "signals", however a claim reciting a signal does not appear to fall within any of the statutory classes, see MPEP §2106. Therefore, claims 1-3 and 5-12 are non-statutory.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claim 1-3 and 5-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. (US 6,879,342) in view of Yoshida et al. (US 6,850,273) in view of Misawa (US 2003/0169286).

[claim 1]

Regarding claim 1, Miller discloses a processor-executable instructions (i.e. software) configured for scrolling a number of images across a display screen (c. 3, l. 52 - c. 4, l. 46; Figures 5-7). While Miller discloses scrolling images, Miller does not disclose locking an image and scrolling images behind the locked image wherein the locked image partially covers the scrolling images as claimed.

Yoshida discloses a camera system in which an image may be protected or "locked in place" while the image is displayed (Figures 14A and 14B; c. 11, ll. 4-24). Therefore, it would be obvious to allow the user viewing images using the system of Miller to protect or "lock" the images in place (i.e. on the storage medium) as they are displayed on the display screen to ensure that the images are not erased. The examiner notes that claim 1 does not explicitly require that the image be held at the same location on the display screen throughout the claim, therefore locking an image which is displayed on the display screen by adding a read-only flag as described by Yoshida is believed to read on the limitation. However, Miller in view of Yoshida does

not disclose scrolling images behind the locked image, wherein the locked image partially covers the scrolling images.

Misawa discloses a camera system which displays a plurality of thumbnail images and scrolls the plurality of thumbnail images (Figure 1). Misawa further discloses that the plurality of thumbnail images may overlap each other so that they partially cover each other as they are scrolled (Figure 2). Therefore, it would be obvious to use a thumbnail display as taught by Misawa in the system of Miller so that a larger number of thumbnail images may be displayed simultaneously. It is noted that as claimed, a locked image using the system of Yoshida would partially overlap other scrolling images as they are scrolled back and forth using the display system of Misawa.

The examiner notes that software as described by Miller is inherently stored on a "processor-readable medium" as claimed to allow the processor to read the instructions and carry out the tasks described.

[claim 2]

Regarding claim 2, Miller discloses instructions for varying the speed of the scrolling (i.e. an acceleration button 25; c. 6, ll. 46-65).

[claim 3]

Regarding claim 3, Miller discloses instructions for fast-forward scrolling, slowing the scrolling, reverse scrolling, pausing the scrolling and resuming the scrolling (i.e. scrolling left or right in combination with the acceleration button (Figures 5-7; c. 6, ll. 46-65).

[claim 5]

Regarding claim 5, Miller in view of Yoshida discloses instructions for locking an image at a justified position at one edge of the display screens (e.g. selecting the image currently located at a justified position and adding a protection flag).

[claim 6]

Regarding claim 6, Yoshida discloses that the images maybe locked and unlocked (c. 11, ll. 4-24). Therefore, the system would include instructions for unlocking an image and locking a new image as claimed.

[claim 7]

Regarding claim 7, Miller discloses instructions for altering the number of images being scrolled across the display screen (Figure 7; c. 7, ll. 44-65). It is noted that the instructions for rapid scrolling causes an alteration in the number of images scrolled, and the instructions are therefore configured for altering the number of images as claimed.

[claims 8 and 9]

Regarding claims 8 and 9, Miller does not disclose instructions for driving an external display screen with the digital camera such that multiple images are scrolled across the external display screen as claimed. Official Notice is taken that it is well known in the art to include external display driving functions in digital cameras so that a user or users may view the images stored on the digital camera on a larger screen, such as televisions, wide screen high definition televisions and computer monitors, than is provided in the digital camera. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include display driving

instructions as claimed to drive an external display to allow users to scroll images stored on the camera of Miller on a larger screen to allow for easier viewing of the images.

[claim 10]

Regarding claim 10, Miller discloses scrolling in a direction from left to right or from right to left across the display screen (Figures 5-7; c. 6, ll. 47-65). Official Notice is taken that it is well known in the art to provide vertical scrolling options in addition to horizontal scrolling options to allow for increased flexibility in how data is scrolled across a screen. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include vertical scrolling options (i.e. top to bottom or bottom to top) to allow the user to scroll more data across the screen in a more flexible manner.

[claim 11]

Regarding claim 11, Miller discloses scrolling images in sequence from left to right or right to left (Figures 5-7; c. 6, ll. 47-65). The examiner notes that in the case of two images being stored on the device of Miller, either left to right or right to left scrolling will correspond to the case of presenting the images beginning the a most recently captured image and progressing toward a least recently captured image as claimed.

[claim 12]

Regarding claim 12, see the rejection of claim 12 above and note that Miller discloses the use of the disclosed scrolling system in a digital camera (Figure 1; c. 1, l. 36 - c. 2, l. 7).

[claim 13]

Regarding claim 13, Miller discloses a method comprising: capturing images with a digital camera and storing the images in a memory of the digital camera (Figure 1; c. 3, l. 52 - c. 4, l. 46); and displaying the images as a scrolling slideshow on the display screen of the digital camera (Figures 5-7). While Miller discloses scrolling images, Miller does not disclose locking an image and scrolling images behind the locked image wherein the locked image partially covers the scrolling images as claimed.

Yoshida discloses a camera system in which an image may be protected or "locked in place" while the image is displayed (Figures 14A and 14B; c. 11, ll. 4-24). Therefore, it would be obvious to allow the user viewing images using the system of Miller to protect or "lock" the images in place (i.e. on the storage medium) as they are displayed on the display screen to ensure that the images are not erased. The examiner notes that claim 1 does not explicitly require that the image be held at the same location on the display screen throughout the claim, therefore locking an image which is displayed on the display screen by adding a read-only flag as described by Yoshida is believed to read on the limitation. However, Miller in view of Yoshida does not disclose scrolling images behind the locked image, wherein the locked image partially covers the scrolling images.

Misawa discloses a camera system which displays a plurality of thumbnail images and scrolls the plurality of thumbnail images (Figure 1). Misawa further discloses that the plurality of thumbnail images may overlap each other so that they partially cover each other as they are scrolled (Figure 2). Therefore, it would be obvious to use a thumbnail display as taught by Misawa in the system of Miller so that a larger

number of thumbnail images may be displayed simultaneously. It is noted that as claimed, a locked image using the system of Yoshida remain locked while images behind the locked image are simultaneously scrolled as claimed.

[claim 14]

Regarding claim 14, see claim 3 above.

[claim 15]

Regarding claim 15, see claim 5 above.

[claim 16]

Regarding claim 16, see claim 8.

[claim 17]

Regarding claim 17, Miller disclose a digital camera (Figure 1) comprising: a display screen (Figure 1, Item 14); captured images (Figure 1, Item 8; c. 3, ll. 52-64) and a scrolling slideshow module configured to scroll the captured images across the display screen thereby performing a scrolling slideshow (Figure 1, Item 6 and Figures 5-7). Yoshida discloses a camera system in which an image may be protected or "locked in place" while the image is displayed (Figures 14A and 14B; c. 11, ll. 4-24). Therefore, it would be obvious to allow the user viewing images using the system of Miller to protect or "lock" the images in place (i.e. on the storage medium) as they are displayed on the display screen to ensure that the images are not erased. The examiner notes that claim 1 does not explicitly require that the image be held at the same location on the display screen throughout the claim, therefore locking an image which is displayed on the display screen by adding a read-only flag as described by Yoshida is believed to

read on the limitation. However, Miller in view of Yoshida does not disclose scrolling images behind the locked image, wherein the locked image partially covers the scrolling images.

Misawa discloses a camera system which displays a plurality of thumbnail images and scrolls the plurality of thumbnail images (Figure 1). Misawa further discloses that the plurality of thumbnail images may overlap each other so that they partially cover each other as they are scrolled (Figure 2). Therefore, it would be obvious to use a thumbnail display as taught by Misawa in the system of Miller so that a larger number of thumbnail images may be displayed simultaneously. It is noted that as claimed, a locked image using the system of Yoshida remain locked while images behind the locked image are simultaneously scrolled as claimed.

[claim 18]

Regarding claim 18, Miller discloses features including pause (i.e. stopping an image in a non-right or non-left justified position), resume, speed, direction (Figures 5-7 and c. 6, l. 46 - c. 8, l. 18). Further note that Yoshida discloses locking and unlocking images, see the rejection of claim 6 above.

[claim 19]

Regarding claim 19, Miller discloses a controller configured to manipulate the scrolling control features (c. 6, ll. 46-65).

[claim 20]

Regarding claim 20, Miller discloses either an internal memory or an external memory for storing the images (Figure 1, Item 8; c. 3, ll. 55-59).

[claims 21 and 23]

Regarding claims 21 and 23, see the rejection of claim 8 above and note that in order to be displayed on an external display, the images must be formatted (i.e. converted to a proper signal) so that they can be output to the external display.

[claims 22 and 24]

Regarding claims 22 and 24, see claims 17 and 18 above.

[claim 25]

Regarding claim 25, Miller discloses means for increasing and decreasing the number of images being scrolled across the display screen (Figure 7; c. 7, ll. 44-65).

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571)272-7310. The examiner can normally be reached on M-F 11-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy J Henn/
Examiner, Temporary Full Signatory Authority, Art Unit 2622